UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/618,162	12/29/2006	Charles R. Hill	CAM920060142US1 (166)	5372

46321 7590 12/02/2016

CRGO LAW
STEVEN M. GREENBERG
7900 Glades Road
SUITE 520
BOCA RATON, FL 33434

EXAMINER
OBISESAN, AUGUSTINE KUNLE

ART UNIT	PAPER NUMBER
2156	

NOTIFICATION DATE	DELIVERY MODE
12/02/2016	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@crgolaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte CHARLES R. HILL, SANDRA L. KOGAN, SHI XIA LIU, and MARTIN M. WATTENBERG

Appeal 2014-007865
Application 11/618,162
Technology Center 2100

Before DEBRA K. STEPHENS, HUNG H. BUI, and BARBARA A. PARVIS, *Administrative Patent Judges*.

BUI, *Administrative Patent Judge.*

DECISION ON REQUEST FOR REHEARING

Appellants have filed a Request for Rehearing under 37 C.F.R. § 41.52 for reconsideration of our Decision on Appeal, mailed September 26, 2016 ("Decision"). In that Decision, we affirmed the Examiner's final rejections of claims 1–17 under 35 U.S.C. § 103(a) based on Beringer et al., (EP 1,619,618 A1; published Jan. 25, 2006; "Beringer"), Ghoneimy et al., (WO 00/14618; published Mar. 16, 2000; "Ghoneimy"), and Mansfield (US 2007/0250762 A1; published Oct. 25, 2007). We have considered the arguments presented by Appellants in the Request for Rehearing ("Req. Reh'g"), but we are not persuaded that any points were misapprehended or overlooked by the Board in issuing the Decision. We have provided herein

additional explanations, but decline to change our decision in view of Appellants' arguments.

ANALYSIS

The applicable standard for a Request for Rehearing is set forth in 37 C.F.R. § 41.52(a)(1), which provides in relevant part, "[t]he request for rehearing must state with particularity the points believed to have been misapprehended or overlooked by the Board."

In this case, Appellants request a rehearing not on the basis of any points believed to have been misapprehended or overlooked by our Decision, but on the basis of Appellants' disagreement with our construction of the term "pivoting a query" recited in independent claims 8, and 13 and similarly recited in claim 1. *See* Req. Reh'g 4–5. In particular, Appellants assert our construction of the term "pivoting a query" "appears to overlook the teachings of paragraph [0020]" of Appellants' Specification. Req. Reh'g. 5. Paragraph [0020] of Appellants' Specification describes:

> "In illustration, Figure 1 is a pictorial illustration of a relationship model of a document for use in a context browser configured for navigation of pivotally related information for a document. The relationship model 100 can include a multiplicity of nodes in an activity, where each of node corresponds to a different activity object, for instance a task, a document, a message, and the like. Each node in the relationship model 100 can be associated with one or more other nodes such that **computing a pivot for the relationship model on any given node will provide a set of related nodes**. Each node in the set, in tum can be viewed as **a pivot resulting in a set of related nodes** and so forth. It will be recognized by the skilled artisan that the relationship model 100 can be

> defined within a flat file or relational database, for example, and can be rendered visually as well as shown in Figure 1."

Req. Reh'g. 4 (citing Spec. ¶ 20). According to Appellants, the term "pivoting a query" refers to "providing a set of related nodes (plural) for a given node." *Id.*

Appellants further argue "if the Board were to adopt the claim construction of 'pivoting a query' in line with the teaching of paragraph [0020] of [Appellants' Specification] the production of a set of related nodes (plural) for a selected node," the "Board would draw a different conclusion as to the rejections under 35 U.S.C. § 103(a)." Req. Reh'g. 5.

We disagree. At the outset, we note that the Board has not misapprehended or overlooked any points or arguments originally raised by Appellants. The Board carefully considered Appellants' previous arguments, but nevertheless found the cited references, Beringer and Ghoneimy, teach or suggest all disputed limitations (including "pivoting a query"). Dec. 6–10. In our Decision, we explained that the term "pivoting a query" is not explicitly defined in Appellants' Specification and, in the absence of such a definition, construed the term "pivoting a query" in the context of Appellants' Specification as "taking of action based on selection of one of a set of objects that possess an association or relation." Dec. 7 (citing Spec. ¶¶ 9–11, 21–22, Fig. 2). Based on our construction, we found "Beringer teaches 'pivoting a query' because Beringer teaches the selection of one of a set of associated or related objects (one of the 420s) and the taking of an action based on that selection (the display of the selected object 420)." Dec. 9 (citing Ans. 3; Beringer ¶¶ 13, 18, 35–36).

Contrary to Appellants' assertion, paragraph [0020] of Appellants' Specification does not define the term "pivoting a query", but rather describes the outcome or consequence of "pivoting a query" as "resulting in a set of related nodes." Spec. ¶ 20. As discussed in our Decision, our construction of the term "pivoting a query" was based on our reading of Appellants' Specification, including, for example, paragraphs [0009]–[0011], [0021]–[0022]. Dec. 7. "[T]he fact that [Appellants] can point to definitions or usages that conform to their interpretation does not make the PTO's definition unreasonable when the PTO can point to other sources that support its interpretation." *In re Morris,* 127 F.3d 1048, 1056 (Fed. Cir. 1997) (emphasis added).

Even if we were to adopt Appellants' belated proposed construction of "pivoting a query" in line with the teaching of paragraph [0020] of Appellants' Specification as "the production of a set of related nodes (plural) for a selected node," we still find Beringer teaches "pivoting a query" in the context of using a pivot activity object 420 to identify a set a related objects, shown in Beringer's Figure 3. *See* Dec. 8.

CONCLUSION

We have considered the arguments raised by Appellants in the Request, but find none of these arguments persuasive that our original Decision misapprehended or overlooked any points raised by Appellants resulting in error. It is our view, Appellants have not identified any points the Board misapprehended or overlooked. We decline to grant the relief requested. This Decision on Appellants' "**REQUEST FOR**

REHEARING" is deemed to incorporate our earlier Decision by reference. *See* 37 C.F.R. § 41.52(a)(1).

DECISION

We have granted Appellants' request to the extent that we have reconsidered our Decision, but we deny the request with respect to making any changes therein. The Examiner's decision rejecting claims 1–17 under 35 U.S.C. § 103(a) remains AFFIRMED.

REHEARING DENIED